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In re Art Charnen et al.
Application No.: 10/767,592
Filed: January 28, 2004
Patent No.: 7,495,571
Issued: February 24, 2009

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OFFICE OF PETITIONS

(Courtesy Copy)

: DECISION DISMISSING
: PETITION REQUESTING
: CORRECTED PATENT

This is a decision on the June 16, 2009 petition titled "Petition to Correct a Patent Under 37 CFR 1.322(b)" ("the June 16, 2009 petition").

The June 16, 2009 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The June 16, 2009 petition is dismissed.

PERTINENT STATUTE AND REGULATION

35 U.S.C. 254 provides, in pertinent part:

Whenever a mistake in a patent, incurred through the fault of the Patent and Trademark Office, is clearly disclosed by the records of the Office, the Director may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents. ... The Director may issue a corrected patent without charge in lieu of and with like effect as a certificate of correction.

37 CFR 1.322(b) provides:

If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

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No. 6173 P. 1

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To: Brian Hanlon

NOV 13 2009

From: Art Charren

Date: 11/13/09

Subject: Customer Satisfaction
Patent Number 7,495,571

Now, having seen this article-how could I EVER imagine that I would be treated fairly by the USPTO...if this is how they treat their own employees! It definitely doesn't make me proud to be an American-where a government agency screws up, yet will not accept responsibility for the mistake and correct it properly! I hope that businesses throughout our country do not use the USPTO as a model regarding customer satisfaction!

Patent
Professional
Association

POPA NEWS

www.popa.org

September 2006 Vol. 66 No. 5

Arbitrator Upholds Special Rate Increase Requirements Orders USPTO to Talk with POPA on Alternatives

An arbitrator found that the USPTO in 2003 used "improper and illegal tactics" to avoid giving patent professionals a pay increase to maintain the 10-15 percent special rate pay differential as mandated by the Millennium Agreement, and ordered the agency to negotiate with POPA options for compensating employees with back pay including interest.

Arbitrators have decided two of the five grievances (for years 2002 through 2006) that POPA filed regarding the USPTO's failure to follow the Millennium Agreement on increasing the special pay rate — both decisions were in the

employees' favor. More importantly, in this case the arbitrator expressly found for POPA on several critical issues the Federal Labor Relations Authority (FLRA) had relied on in overturning the arbitrator's decision in the first grievance (the 2002 case).

The July 25 decision by arbitrator Salvatore J. Arrigo affirmed that the 2000 USPTO-POPA Initiatives for a New Millennium agreement "obligates PTO to make yearly requests to OPM [the Office of Personnel Management] for approval to increase special pay schedules in line with

(continued on page 2)

OCIO Revises Position Descriptions to Seek "Younger Blood"

Boeing and yelling erupted at an August all-hands meeting of Office of the Chief Information Officer (OCIO) employees when an OCIO official stated that the agency was rewriting all OCIO position descriptions essentially because the office needs to bring in some "younger blood" with fresher ideas.

OCIO professionals—mostly highly trained computer

(continued on page 3)



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Big Expansion of Patents Telework Program

A dramatic expansion of the Patents Telework Program (PTP)—enabling all GS-12 and above Patents employees with a minimum of two years of service to participate—was agreed upon by POPA and the USPTO in late July.

The agreement also delineated the deployment of new Multimedia Communications Systems (MCS) collaboration tools for examiners and made minor clarifications to the eligibility language in the Non-Duty Hours Technical Training Program and the Non-Duty Hours Legal Studies Program.

Noteworthy points of the broadened PTP:

- PTP participants may work from the alternate worksite one day per week;
- A one-time application period of two weeks will commence upon prompt publication of the PTP's announcement and application instructions in the USPTO Weekly and through the chain of command;
- The USPTO will provide within six weeks of the end of the application period written notification of employees' acceptance or non-acceptance to all who file an application;
- Newly selected employees will be eligible to telework as soon as they are accepted into the program and have completed training;
- The USPTO will hold four PTP application periods each year, in November, February, May and August;
- The agency shall notify all PTP participants to update their PTP information each October;
- For librarians this will be a pilot program, with participants required to have high-speed, broadband Internet access at the alternate work site. The pilot will be evaluated at six months; telework for librarians will continue

(continued on page 2)